Guidelines for Sales Made "in ordinary course of trade"

1) no buybacks (sales to retail stores quickly followed by an unusual and inexplicable exhaustion of product)

2) no token use.

3) no atypical discounts as incentives to dealers placing a product on sale.

4) products should be sold for a profit, however small (or some other convincing reason should exist for continuing sales).

5) products should be continuously available with repeat purchasers (develop franchise) in at least select locations within a market.

6) products should be treated in same way as other products of like class:

   a) helpful if products supported by print ads or POS material. (coupons acceptable)

   b) helpful if products listed on order forms, price lists and in RTDA almanac

   c) helpful if a marketing/sales plan developed for each brand.

7) label designs should be created anew, look commercial and differ from product to product.

8) some alteration of formula between product desirable; particularly, if products are sold in same market:

   a) no product formulation should be same as a national brand

   b) if mark is contemplated for some unusual product; i.e. low nicotine, low smoke, thin diameter, the product should match the criteria

   c) same formulation for private label or regional brands acceptable

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